

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSEPH WAYNE FOSTER, JR., } Case No. LA CV 15-2826 JGB (JCG)

Petitioner,

v.

SUZANNE M. PEERY,

Respondent.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's Report and Recommendation, Petitioner's Objections to the Report and Recommendation, and the remaining record, and has made a *de novo* determination.

Petitioner does not challenge the Magistrate Judge's conclusion that the Petition is untimely.

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Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
 2. Judgment is entered denying the Petition and dismissing this action with prejudice; and
 3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons set forth above and in the Re-

Additionally, for the reasons set forth above and in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

DATED: July 6, 2015

HON. JESUS G. BERNAL
UNITED STATES DISTRICT JUDGE